

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
NORTHERN DIVISION**

THE CINCINNATI INSURANCE COMPANY,)	
)	
)	
Plaintiff,)	No. 2:22-CV-70 RLW
)	
v.)	
)	
NATIONAL RAILROAD PASSENGER)	
CORPORATION a/k/a AMTRAK, et al.,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

On September 29, 2022, defendant National Railroad Passenger Corporation d/b/a Amtrak (“Amtrak”) filed its Notice of Removal of this action from the Circuit Court of Chariton County, Missouri to this District. (ECF No. 1). Amtrak asserted that this Court had jurisdiction under 28 U.S.C. §§ 1331, 1332.

On October 28, 2022, several defendants filed Motions to Remand, arguing that they did not consent to the removal of the action from state court: Defendants Jonathan Awe, Johnathan Awe as Next Friend of I.A., Jonathan Awe as Next Friend of E.A., Sarah Awe, Julian Boardman, Harrison Boardman, Amanda Boardman, Francis Bunecicky, Roberta Bunecicky, Daniel Holsapple, David Towers, Angelika Salazar, and Angelika Salazar as Next Friend of N.N.’s: Motion for Remand (ECF No. 57), Defendants Nick Cook, Brent Powers, Tiffany Powers, Brandon Beggs, Pauline Magin and William Magin’s Motion to Remand (ECF No. 64), Defendants Matthew Campagna, Estevan Carreon, Jane Carreon, Allen Gallaway, Kimberly Howard, Tami Lakey as Next Friend of A.L., Noel Lucero, Brian Marra, Christopher Marzullo, and Sherri Schwartz’s Motion to Remand (ECF No. 69), and Defendants Shaun Phan; Shaun

Phan as Next Friend of AP, a Minor; Vui Nguyen; Song Phan; Thi Phan; Bang Phan; Thinh Mai; Thinh Mai as Next Friend of AM, a Minor, and AM, a Minor; Ngoc Pham; Dung Pham; Ngoan Pham; Vy Pham; and Thanh Le's Motion for Remand (ECF No. 85).¹

On November 11, 2022, Amtrak filed its Response to the Motions to Remand. (ECF No. 111). Amtrak contended that removal of this action was proper on the basis of federal question jurisdiction and because Amtrak did not require the consent of other unserved defendants at the time of removal. (*Id.*) However, because the since-served defendants indicated they oppose removal, Amtrak agreed to remand this action to state court. (*Id.*)

Accordingly,

IT IS HEREBY ORDERED that Defendants' Motions to Remand (ECF Nos. 57, 64, 69, and 85) are **GRANTED**. This matter shall be remanded to the Ninth Circuit of Missouri in Chariton County, Missouri for further proceedings.

An appropriate Order of Remand is filed herewith.

Dated this 14th day of November, 2022.



RONNIE L. WHITE
UNITED STATES DISTRICT JUDGE

¹ The Court refers to these motions collectively as "Defendants' Motions to Remand".